

REMARKS

The Office Action mailed April 25, 2011, has been received and carefully noted. Claims 18-35 were presented and examined. Claims 1-17 were previously cancelled.

The claims are amended as set forth above. Entry of the amendments is requested. Support for the amendments can be found in the Specification as filed. No new matter has been added.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

I. Claims Rejected Under 35 U.S.C. §103

Claims 18-21 and 27-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,051,325 issued to Choi (“Choi”) in view of U.S. Patent Publication No. 2003/0219081 to Sheehan (“Sheehan”) and U.S. Patent No. 6,065,880 issued to Thompson (“Thompson”). Applicants respectfully request withdrawal of this rejection because the claims are not obvious in view of Choi, Sheehan and Thompson. To establish a *prima facie* case of obviousness, the Examiner must provide some articulated reasoning to support the conclusion of obviousness. KSR International Co. v. Teleflex Inc., 550 U.S. 398, 418 (2007) (quoting In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Applicants hereby amend independent claims 18 and 27 to recite “wherein the kind of downloadable data includes a middleware module for accessing a mobile communication network connected with a mobile terminal using the mobile terminal.” The amendment to claims 18 and 27 incorporates some of the limitations recited in dependent claims 24 and 33, respectively.

The Examiner states that Thompson teaches “wherein the kind of downloadable data includes a middleware module for accessing a mobile terminal,” as recited in previously presented claims 18 and 27, and cites column 1 lines 22-24 and column 5 lines 9-17 of Thompson. Column 1 lines 22-24 of Thompson discloses that “[s]oftware loaded in the host computer is then used to access the PDA and download or upload information therebetween.” Column 5 lines 14-17 of Thompson discloses that “[b]y loading appropriate software in PDA 12,

light source 44 can be operated by microprocessor 38 to emit low speed pulses to remote-controllable device 80 for remotely controlling the device.” However, Thompson does not teach that the PDA or the remote-controllable device connects to a mobile communication network. Because neither the PDA nor the remote-controllable device connects to a mobile communication network, the software loaded in the host computer cannot be used to access a mobile communication network using the PDA, and the software loaded in the PDA cannot be used to access a mobile communication network using the remote-controllable device. Therefore, Thompson does not teach “wherein the kind of downloadable data includes a middleware module for accessing a mobile communication network connected with a mobile terminal using the mobile terminal,” as recited in amended claims 18 and 27.

Furthermore, the Examiner has not cited and Applicants are unable to discern any sections of Pashupathy, Handelman, and Hanson which cure the deficiencies of Thompson. Therefore, claims 18-35 are not obvious in view of the cited references.

For at least the above reasons, the Examiner has failed to identify and Applicants are unable to discern any portion of Thompson or the other references of record that teaches or suggests “wherein the kind of downloadable data includes a middleware module for accessing a mobile communication network connected with a mobile terminal using the mobile terminal,” as recited in amended claims 18 and 27. Thus, these claims and all claims which depend from these claims are patentable over the combination of Choi, Sheehan, and Thompson.

For at least the above reasons, Choi, Sheehan, and Thompson fail to teach each and every element of claims 18 and 27. Claims 19, 20 and 28-31 depend from independent claims 18 and 27 and thus incorporate the respective limitations thereof. Therefore, claims 19, 20 and 28-31 are not obvious in view of the combination of Choi, Sheehan, and Thompson. Accordingly, reconsideration and withdrawal of the rejection of these claims are respectfully requested.

Claims 22 and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi in view of Sheehan and Thompson as applied to claims 20 and 29 above, and further in view of U.S. Patent No. 6,078,951 issued to Pashupathy (“Pashupathy”). Claims 22 and 31 depend from independent claims 18 and 27 and thus incorporate the respective limitations thereof. Applicants do not discern and the Examiner does not indicate any part of Pashupathy that cures the aforementioned deficiencies of Choi, Sheehan, and Thompson. For at least the reasons

mentioned in regard to claims 18 and 27, claims 22 and 31 are not obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejection of claims 22 and 31 are respectfully requested.

Claims 23, 24, 26, 29, 32, 33, and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi in view of Sheehan and Thompson as applied to claims 18 and 27 above, and further in view of U.S. Publication No. 2004/0016002 to Handelman (“Handelman”). These claims depend from independent claims 18 and 27 and thus incorporate the respective limitations thereof. For at least the reasons mentioned above in regard to claims 18 and 27, these claims are not obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejection of these claims are respectfully requested.

Claims 25 and 34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Choi in view of Sheehan, Thompson and Handelman as applied to claims 23 and 32 above, and further in view of U.S. Publication No. 2004/0123332 to Hanson (“Hanson”). Claims 25 and 34 depend from independent claims 18 and 27 and thus incorporate the respective limitations thereof. The Applicants do not discern and the Examiner does not indicate any part of Hanson that cures the aforementioned deficiencies of Choi, Sheehan, Thompson and Handelman. For at least the reasons mentioned above in regard to claims 18 and 27, claims 25 and 34 are not obvious over the cited references. Accordingly, reconsideration and withdrawal of the rejection of claims 25 and 24 are respectfully requested.

CONCLUSION


In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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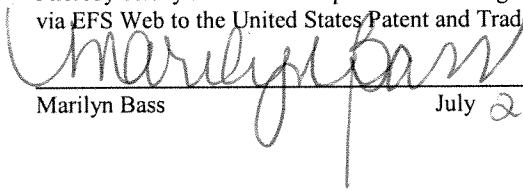
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CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office.


Marilyn Bass

July 21, 2011